

## Calendar No. 248

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SENATE

{ REPORT  
104-175

### TARGHEE NATIONAL FOREST LAND EXCHANGE

NOVEMBER 20, 1995.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

### REPORT

[To accompany H.R. 529]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 529) to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE OF THE MEASURE

The purpose of H.R. 529 is to authorize the Secretary of Agriculture to exchange approximately 95 acres of privately held land in Wyoming within the Targhee National Forest for Forest Service lands in Idaho within the Targhee National Forest.

#### BACKGROUND AND NEED

The Forest Service has identified privately-held lands known as Squirrel Meadows within the Targhee National Forest for acquisition. These lands are prime grizzly bear habitat and lie near the Jedidiah Smith Wilderness in Wyoming. The lands to be acquired by the private owner of Squirrel Meadows are those identified as the North Fork Tract in Idaho. Legislation is necessary because the Forest Service does not have the authority to exchange lands across State borders. H.R. 529 requires an equal value exchange and the amounts may be equalized through acreage adjustments, additional Federally-owned lands or the payment of money under 43 U.S.C. 1716(b).

## LEGISLATIVE HISTORY

H.R. 529 passed the House on March 28, 1995 by a voice vote. A hearing was held before the Forests and Public Lands Management Subcommittee on June 8, 1995.

At the business meeting on October 11, 1995, the Committee on Energy and National Resources ordered H.R. 529 favorably reported.

## COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on October 11, 1995, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 529 as described herein.

The rollcall vote on reporting the measure was 20 yeas, 0 nays, as follows:

Yeas	Nays
Mr. Murkowski	
Mr. Hatfield*	
Mr. Domenici	
Mr. Nickles	
Mr. Craig	
Mr. Campbell	
Mr. Thomas	
Mr. Kyl	
Mr. Grams	
Mr. Jeffords*	
Mr. Burns	
Mr. Johnston	
Mr. Bumpers*	
Mr. Ford	
Mr. Bradley*	
Mr. Bingaman	
Mr. Akaka	
Mr. Wellstone	
Mr. Heflin	
Mr. Dorgan*	

\*Indicates vote by proxy.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Authorization of exchange*

Notwithstanding certain acts controlling the exchange of Forest Service lands, the Secretary of Agriculture is authorized to conduct this interstate exchange of Federal Forest Service lands for non-Federal lands. The exchange must be conducted according to other provisions of law and must be acceptable to the Secretary.

*Sec. 2. Description of lands to be exchanged*

The identified Federal lands are those located in the Targhee National Forest in Idaho. The identified non-Federal lands are known as the Squirrel Meadows Tract in Wyoming.

*Sec. 3. Equalization of values*

Prior to the exchange, the lands shall be appraised at fair market and subject to approval of the Secretary. The values must be equal or must be equalized through increasing or decreasing the size of the Federal lands to be exchanged or the equalization may occur through the payment of money as provided in the Federal Land Policy and Management Act.

*Sec. 4. Definitions*

This section defines the terms "Federal lands", "non-Federal", and "Secretary".

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure was provided by the Congressional Budget Office to the House of Representatives after the House Resources Committee reported H.R. 529 on February 15, 1995. The measure has not been amended since it was reported by the House Resources Committee.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, February 23, 1995.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources, U.S. House of Representatives,*  
*Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 529, a bill to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming, as ordered reported by the House Committee on Resources on February 15, 1995. We estimate that enacting this bill would not significantly increase costs to the federal government and would not directly affect the budgets of state or local governments. Because enactment of this bill would affect offsetting receipts, pay-as-you-go procedures would apply to the bill. Any such direct spending impacts would be negligible.

H.R. 529 would provide an exception to current law that prohibits federal land management agencies from conducting interstate land exchanges. The bill would allow the Forest Service (FS) to exchange about 45 acres of federal land in Idaho for about 95 acres of private land within the boundaries of the Targhee National Forest in Wyoming. The exchange would be subject to land appraisals, and all lands exchanged would have to be of approximately equal value. (Consistent with current law, small cash payments would be allowed to equalize these values.)

Based on information from the FS, we estimate that appraisals and the exchange itself can be completed at no significant additional cost to the federal government. It is possible that equalization payments would be made as part of the exchange, but any such payments are likely to be very small, and would be subject to appropriation. Because the land the FS would give up in the exchange currently generates about \$20,000 annually in rental income, enacting H.R. 529 would result in a loss of offsetting receipts. If, the private party involved makes a cash equalization

payment as part of the exchange, such income would count as offsetting receipts. We expect that the net effort of the bill on receipts would be very small.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gull.

Sincerely,

JAMES L. BLUM  
(For Robert D. Reischauer, Director).

#### REGULATORY IMPACT EVALUATION

Incompliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 529. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork result from the enactment of H.R. 529, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The Committee received no departmental reports on H.R. 529. At the June 8, 1995 Forests and Public Land Management Subcommittee hearing on H.R. 529, U.S. Forest Service Chief, Jack Ward Thomas, testified on the measure as follows:

#### TARGHEE NATIONAL FOREST LAND EXCHANGE

Now let me address the Targhee National Forest Land exchange.

The Department of Agriculture supports enactment of H.R. 529.

The Department testified before the House Resources Subcommittee on National Parks, Forests, and Lands on January 24, 1995, concerning this legislation. At that time, we supported enactment of H.R. 529, if amended. The version of the bill passed by the House and referred to this committee incorporates amendments responsive to our earlier concerns.

H.R. 529 would authorize the exchange of National Forest System land currently occupied by the North Fork recreation residence tract on the Targhee National Forest in Idaho for a 95-acre parcel of private land within the boundaries of the Targhee National Forest in Wyoming. This would be an equal value exchange. The bill specifies the manner in which equalization of values would be achieved. The actual number of acres exchanged would be determined by fair market value appraisals. The intent of the bill is to acquire all 95 acres of private land using the minimum National Forest System acreage necessary to equalize values. Legislation is necessary because the lands involved are in two different states.

The non-Federal lands are unimproved meadows, pastures and wetlands within an area of the Targhee National Forest which is designated for management as Situation 1 grizzly bear habitat. Situation 1 habitat is considered critical to long-term management and recovery of the grizzly bear. The North Fork recreation residence permit holders are in favor of the proposed land exchange.

This concludes my statement. We will be happy to respond to your questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 529, as ordered reported.

